APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,690	02/18/2004	Tsuyoshi Kuroki	00862.023465.	8951

5514   7590   02/07/2007
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EXAMINER
PONIKIEWSKI, TOMASZ

ART UNIT	PAPER NUMBER
2165	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 November 2006*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4-6,8,10-11 and 13* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4-6,8, 10-11 and 13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *01/25/2007*.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   The Amendment filed on November 15, 2006 has been received and entered.

Claims 3, 7, 9, 12 and 14 have been canceled, therefore claims 1-2, 4-6, 8, 10-11 and

13 are pending.

2.   The Applicant's communication overcomes objections and rejections under 112

and 101.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

4.   Claims 1 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

The preambles of the claims are confusing as to the scope of the

invention. The examiner does not know whether the claims are directed

toward a method or an apparatus.   Since both are separate statutory

categories, the claims should clearly point out as to which category each

claim applies to.

Claims 4 and 6 recite the limitation "the same type" in lines 5. There is

insufficient antecedent basis for this limitation in the claim.

Claims 5, 11 and 13 recite the limitation "the corresponding" in the body of the

claims. There is insufficient antecedent basis for this limitation in the claim.

Claim 13 recites the limitation "the object output" in the body of the claim. There

is insufficient antecedent basis for this limitation in the claim.

Claim 13 on page 7 line 8 recites "an object". An object is also declared 2 lines

above. It is unknown whether the reference is made to a new instance or the same.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6.   Claims 1-2, 4-6, 8, 10-11 and 13 are rejected under 35 U.S.C. 102(e) as being

anticipated by Helgeson et al. (US 6,643,652 B2).

As per claim 1 <u>Helgeson et al.</u> is directed to an information processing method in an information processing apparatus which generates an object in a virtual space and is connected to another information processing apparatus through a network to share the virtual space, the method comprising:

an acquisition step of acquiring unique information from the other information processing apparatus, wherein the unique information uniquely identifies the information processing apparatus on the network (column 12, lines 36-38, wherein authorized could mean that some kind of unique id is acquired; column 14, lines 30-36 , wherein the table shows unique information; column 88, lines 16-30);

an identification information generation step of generating identification information of an object based on the unique information, wherein the object is identified by the identification information to in the information processing apparatus (column 20, lines 3-5, wherein meta-data could contain the information of other processors; column 88, lines 16-30);

a transmitting step of transmitting the identification information to the other information processing apparatus through the network (column 109, lines 28-48).

As per claim 2 <u>Helgeson et al.</u> is directed to the other information processing apparatus from which the unique information is acquired is a management information processing apparatus which manages the unique information of all information

processing apparatuses that share the virtual space (column 4, lines 42-51; column 109, lines 28-36, wherein the "virtual space" could be "delivery service").

As per claim 4 <u>Helgeson et al.</u> is directed to further comprising:

a reception step of receiving object information about an object processed by the other information processing apparatus (column 2, lines 55-57), and

an object processing step of executing the same type of object processing as on the object that of the other information processing apparatus on the basis of the object information received by the reception step (column 23, lines 38-40).

As per claim 5 <u>Helgeson et al.</u> is directed to an information processing method in a management information processing apparatus, the management information apparatus managing information processing apparatuses which share a virtual space, the method comprising:

a unique information determining step of determining unique information for each of the information processing apparatuses, wherein the unique information is different from each other (column 16, lines 5-12; column 16, lines 18-20, wherein attribute could mean unique information; column 88, lines 16-30);

a sending step of sending the unique information determined in the determining step for each information processing apparatus to the corresponding one of the information processing apparatuses (column 109, lines 28-48); and

a receiving step of receiving object information about an object output from one

of the information processing apparatuses, wherein the object information includes

identification information which is generated, based on the sent unique information, by

the information processing apparatus from which the object is output (column 88, lines

1-3).

As per claim 6 <u>Helgeson et al.</u> is directed to further comprising an object

processing sep of executing the same object processing as that of one of the

information processing apparatuses on the basis of the received object information

(column 23, lines 38-40).

As per claim 8 <u>Helgeson et al.</u> is directed to a computer-readable storage

medium on which is stored a computer-executable program which causes a computer

apparatus to execute an information processing method which generates an object in a

virtual space, the computer apparatus being connected to another information

processing apparatus through a network to share the virtual space, the method

comprising:

an acquisition step of acquiring unique information from the other information

processing apparatus, wherein the unique information uniquely identifies the information

processing apparatus on the network (column 12, lines 36-38, wherein authorized could

mean that some kind of unique id is acquired; column 14, lines 30-36 , wherein the table

shows unique information; column 88, lines 16-30);

an identification information generation step of generating identification information of an object based on the unique information, wherein the object is identified by the identification information to in the information processing apparatus (column 20, lines 3-5, wherein meta-data could contain the information of other processors; column 88, lines 16-30);

a transmitting step of transmitting the identification information to the other information processing apparatus through the network (column 109, lines 28-48).

As per claim 10 Helgeson et al. is directed to an information processing apparatus which generates an object in virtual space and is connected to another information processing apparatus through a network to share the virtual space the apparatus comprising:

an acquisition unit that acquires unique information from the other information processing apparatus, wherein the unique information uniquely identifies the information processing apparatus on the network (column 12, lines 36-38, wherein authorized could mean that some kind of unique id is acquired; column 14, lines 30-36 , wherein the table shows unique information; column 88, lines 16-30);

an identification information generation unit that generates identification information of an object based on the unique information, wherein the object is identified by the identification information in the information processing apparatus; (column 20, lines 3-5, wherein meta-data could contain the information of other processors; column 88, lines 16-30); and

a transmitting step of transmitting the identification information to the other

information processing apparatus through the network (column 109, lines 28-48).

As per claim 11 <u>Helgeson et al.</u> is directed to a management information

processing apparatus that manages information processing apparatuses which share a

virtual space, the management processing apparatus comprising:

unique information determination unit that determines unique information for

each of the information processing apparatuses, wherein the unique information is

different from each other (column 16, lines 5-12; column 16, lines 18-20, wherein

attribute could mean unique information; column 88, lines 16-30);

a sending unit that sends each of the unique information determined by the

determination unit for each information processing apparatus to the corresponding one

of the information processing apparatuses (column 109, lines 28-48);

a receiving unit that receives information about an object output from one of the

information processing apparatuses, wherein the object information includes

identification which is generated, based on the sent unique information, by the

information processing apparatus from which the object is output (column 88, lines 1-3;

column 88, lines 16-30).

As per claim 13 <u>Helgeson et al.</u> is directed to a information processing system

comprising:

a plurality of information processing apparatuses connected through a network to

share a virtual space, each of the information processing apparatuses comprising

(column 4, lines 42-51; column 109, lines 28-36, wherein the "virtual space" could be

"delivery service"):

an acquisition unit that acquires unique information from management

information processing apparatus connected through the network, wherein the unique

information uniquely identifies the information processing apparatuses on the network

(column 16, lines 5-12; column 16, lines 18-20, wherein attribute could mean unique

information; column 88, lines 16-30);

an object generation unit that generates an object in the virtual space (column

13, line 22), and

an identification information generation unit that generates identification

information of an object based on the unique information, wherein the object is identified

by the identification information in the information processing apparatus (column 12,

lines 36-38, wherein authorized could mean that some kind of unique id is acquired;

column 14, lines 30-36 , wherein the table shows unique information; column 88, lines

16-30); and

a transmitting unit that transmits the identification information to the management

information processing apparatus through the network (column 109, lines 28-48).

the management information processing apparatus managing the plurality of

information processing apparatuses, the management information processing apparatus

comprising (column 4, lines 42-51):

a unique information determination unit that determines unique information for

each of the plurality of information processing apparatuses (column 4, lines 42-51); and

a sending unit that sends each of the unique information determined by the

determination unit for each information processing apparatus to the corresponding one

of the information processing apparatuses (column 109, lines 28-48);

a receiving unit that receives the object information about the object output from

each of the plurality of information processing apparatuses, wherein the object

information includes the identification information (column 23, lines 44-47; column 88,

lines 1-3; column 88, lines 16-30).

Response to Arguments

7.   Applicant's arguments filed 11/15/2006 have been fully considered but they are

not persuasive.

As to the applicant's argument that <u>Helgeson et al.</u> does not provide information

processing apparatus that generates an object is not deemed persuasive. Claims 1, 5,

and 10 do not generate an object. As stated in claims the identification information

generation step generates identification information of an object, not an object itself.

<u>Helgeson et al.</u> teaches generation of an object and generation of identification

information of an object in column 25, lines 11-19.

As to applicant's argument that <u>Helgeson et al.</u> does not teach management information processing apparatus is not deemed persuasive.

<u>Helgeson et al.</u> teaches in column 2, lines 51-67 a managing data exchange among plurality of systems. Receiving information from a system and sending it to another system.

Conclusion

8.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tomasz Ponikiewski whose telephone number is (571)272-1721. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jeffrey A. Gaffin can be reached on (571)272-4146. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tomasz Ponikiewski
January 30, 2007

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